



FREDERICK COUNTY PLANNING COMMISSION

April 14, 2021

TITLE: **Mount Saint Mary's University – Urgent Care Facility**

FILE NUMBER: **SP84-22 AP SP260422, APFO A260428, FRO F260423**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Development Plan approval for the construction of a 7,975 sq. ft. health care facility (hospital use) building located on the 1.25-acre portion of the overall 29.9-acre parcel.

PROJECT INFORMATION:

ADDRESS/LOCATION: Northeast of the intersection of Old Emmitsburg Road and Annandale Road
MAP/PARCEL: Tax Map 8, Parcel 48
COMP. PLAN: Institutional
ZONING: Ie – Euclidean Institutional
PLANNING REGION: Thurmont
WATER/SEWER: MU - Multi-Use (Private)

APPLICANT/REPRESENTATIVES:

APPLICANT: Mount Saint Mary's University
OWNER: - same -
ENGINEER: Frederick, Seibert, and Associates
ARCHITECT: Proffitt & Associates Architects
ATTORNEY: Not Listed

STAFF: Ashley M. Moore, Principal Planner

RECOMMENDATION: **Conditional Approval**

Enclosures:

Exhibit #1 – Site Plan Renderings
Exhibit #2 – Site Elevations
Exhibit #3 – Modification Letter
Exhibit #4 – Zoning Verification Letter

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Development Plan approval for the construction of a 7,975 sq. ft. health care facility building located on the 1.25-acre portion of the overall 29.9-acre parcel. The campus totals 454.18-acres. The proposed principal use is a “**College or University**” under the heading of **Governmental and Nongovernmental Utilities** per § 1-19-5.310 of the Zoning Ordinance and is a permitted use subject to Site Development Plan approval. The “Ie” zoning allows for a college or university to include a hospital as a customary use as found in § 1-19-8.210 Accessory Uses on Institutional Use Property. The campus’ existing Wellness Center is being relocated and expanded into the proposed health care facility. The facility will be the student health center.

BACKGROUND

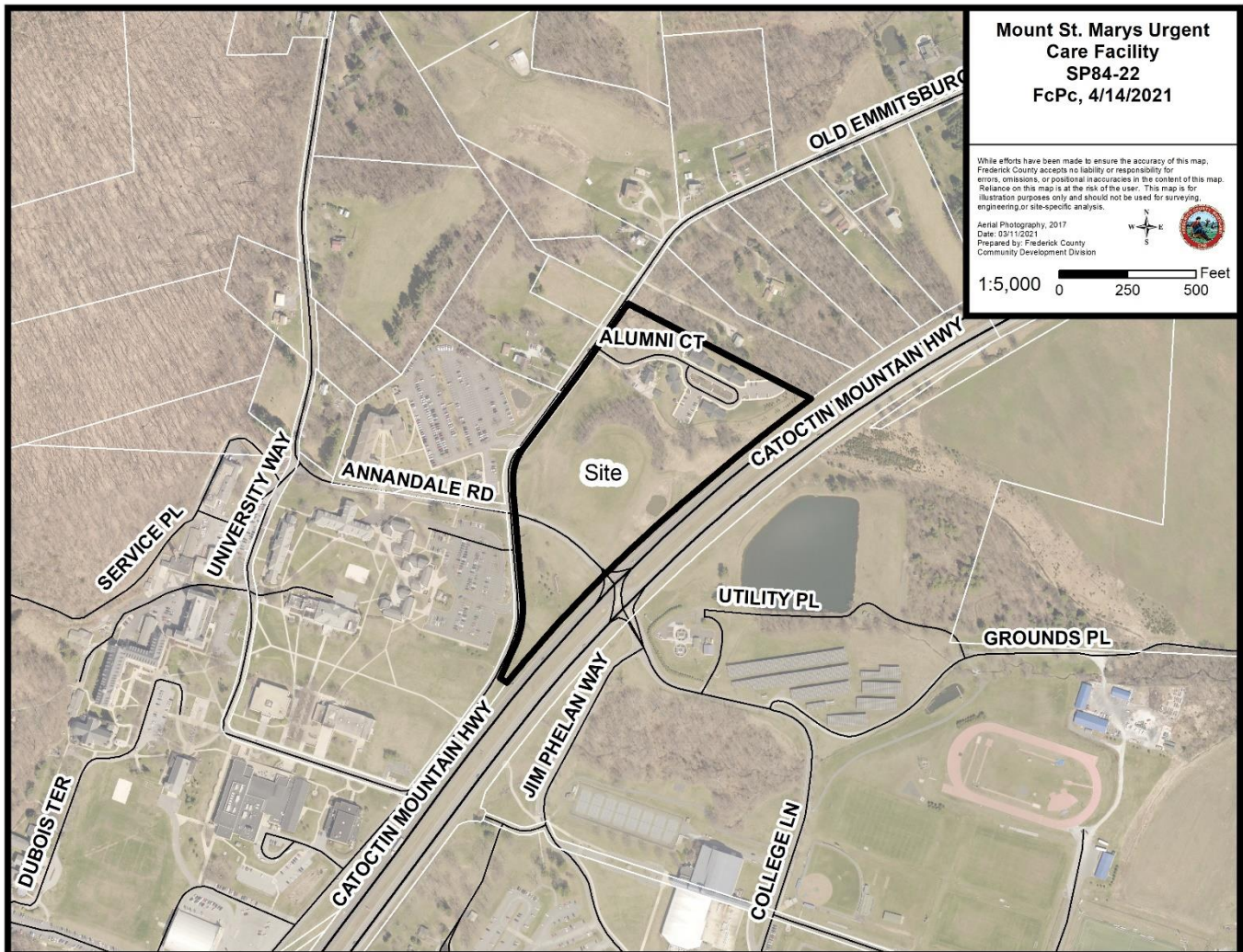
Development History

The Mount St. Mary’s University campus was established in 1808. Much of the historic main campus was developed prior to Frederick County’s zoning regulations. The Site was west of the location of an athletic track (See Graphic #1 below). The track was replaced with a rugby field in 1973. The field will remain with the proposed development located west. The property was originally zoned Agricultural in 1959. The parcel was designated Ie, Euclidean Institutional as part of the 2010 Comprehensive Plan.

Graphic #1: Aerial



Graphic #2: Aerial



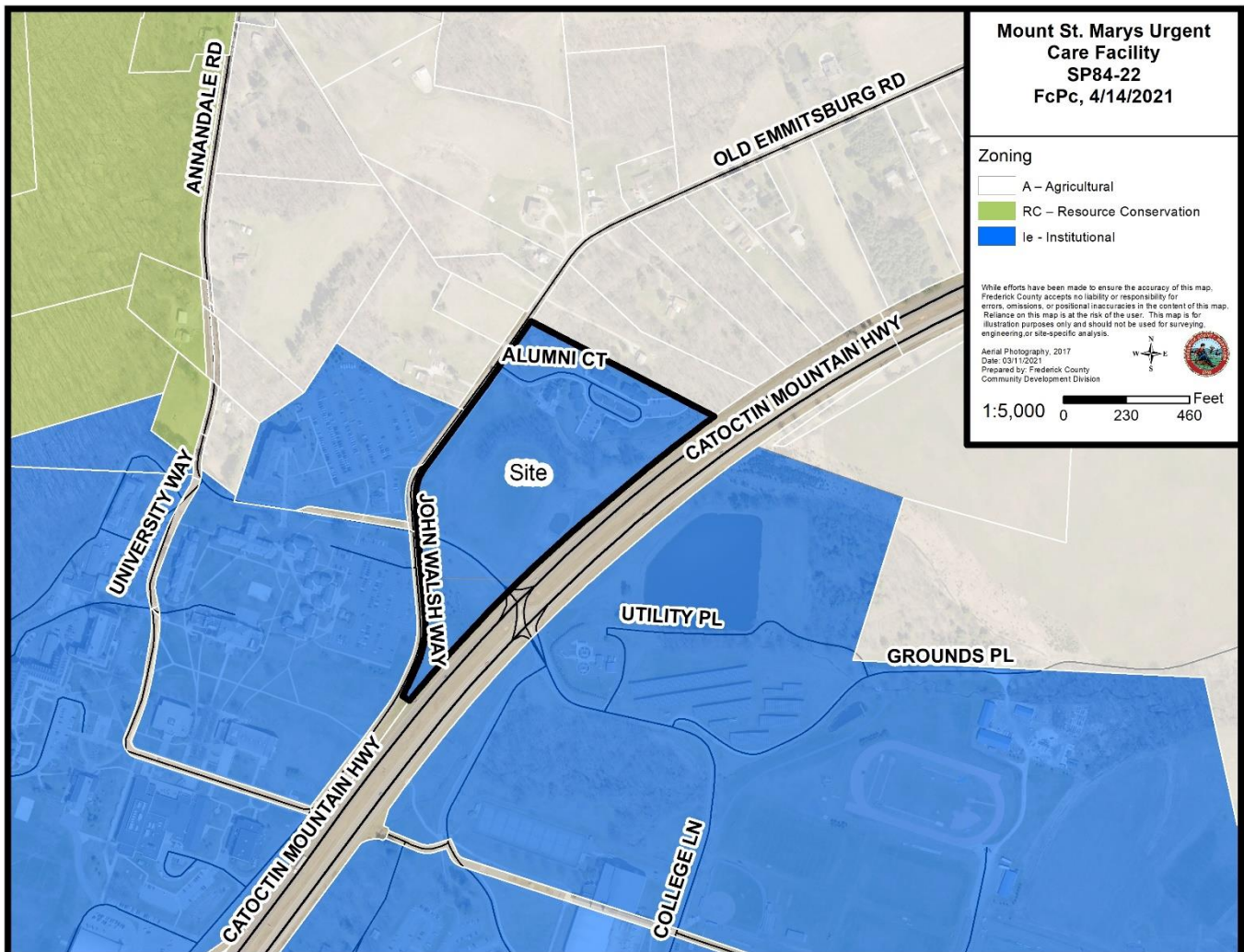
Existing Site Characteristics

The Site is zoned Ie, Euclidean Institutional with a County Comprehensive Plan land use designation of Institutional. Directly west of the Site, across Old Emmitsburg Road, is a public safety/information facility and a residence hall with parking on the Mount Saint Mary's Campus (zoned I). Southwest of the Site is the Student Venue and student apartments also on the Mount Saint Mary's Campus (zoned I).

There are residences north and northwest of the Site (zoned A). North of the Site (within the parcel) are the campus student housing residences (zoned Ie).

Southwest of the Site, across US Rt. 15, is a solar facility and a pond. The property is zoned institutional and owned by the university. See Graphic #3 below.

Graphic #3: Zoning



ANALYSIS

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of Chapter 1-19 (Zoning) of the Frederick County Code (the “Code”).

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. Dimensional Requirements/Bulk Standards § 1-19-6.100 & 1-19-8.480:

The design requirements for the health care facility are established under College/University in the “Uses Permitted in the Euclidean Institutional Zoning District” section of the Ordinance. The requirements within the Euclidean Institutional district for this use are as follows: Front Yard – 40 ft., Side Yard – 50 ft., Rear Yard – 50 ft. The minimum lot size is 5 acres (the overall parcel is 29.9 acres) and the minimum lot width is 300 ft. (approximately 300 ft. of lot width in the project area along Old Emmitsburg Road). The maximum height requirement for proposed structures is 30 ft. The proposed health care facility height is approximately 20 ft., as measured by the Ordinance. The proposed development meets all dimensional lot and building height requirements.

2. Signage §1-19-6.320: One freestanding sign is being proposed close to the intersection of Annandale Road and Old Emmitsburg Road. There will be building mounted signage along the entrance elevation. The signage equation per the code is $(10)(\sqrt{F})$, where F equals the linear feet of the side of the building on which the primary entrance is located. Here, $F = 116$ feet. Therefore, the total allowable square footage signage is $(10)(\sqrt{116})$, or 107 sq. ft. The Applicant is proposing 70 sq. ft. for the monument sign and 37 sq. ft. for the building mounted signage. The proposed monument sign is approximately 9 ft. and does not exceed 12 ft. in height, which meets the zoning requirements, as shown on Sheet 8 of the Plan set.

3. Landscaping §1-19-6.400:

- **Street Trees §1-19-6.400(A):** The Ordinance requires 1 street tree per 35 linear feet of public road frontage. The frontage of the portion of the property being reviewed is approximately 300 ft., which would require 9 street trees ($300 / 35 = 8.57$) along Old Emmitsburg Road. The Applicant is providing 4 street trees along Old Emmitsburg Road and 5 street trees along Annandale Road. The 5 street trees are proposed to be relocated to Annandale Road due to the overhead utility lines along Old Emmitsburg Road south of the entrance.
- **Land Use Buffering and Screening §1-19-6.400(B):** The Ordinance states “All other uses: buffering and screening for all other land uses shall be determined by the Planning Commission.” There is an existing wooded area north of the Site which provides buffer and screening from the existing student housing. The project area is approximately over 300 ft. west of Rt. 15. No additional land use buffering and screening is proposed.
- **Parking Area Buffering and Screening §1-19-6.400(C):** The proposed parking along Old Emmitsburg Road will be screened by landscaping.
- **Parking Area Landscaping §1-19-6.400(D):** The Applicant is required to provide a 20% tree canopy or 2,860 sq. ft. over the parking area with shrubs within the planting area. The Applicant is providing 3,150 sq. ft., or 22% tree canopy.

- **Landscaping, Screening, or Buffering §1-19-6.400(E):** All landscape material must be maintained in a living condition. The proposed Site plan emphasizes native or naturalized species and no invasive/exotic species are specified.

Lighting §1-19-6.500: There will be lighting around the Site in the form of pole mounted fixtures. The Ordinance does not specify fixture heights for institutional uses. However, due to the campus' pedestrian nature, 14 ft. pole mounted heights are being enforced for the proposed Site. Eight 14 ft. pole mounted fixtures are proposed in the parking areas. Five 10 ft. pole mounted fixtures are proposed along the walkways and near the entrance. There are existing decorative lamps located along the sidewalk adjacent to Old Emmitsburg Road.

The brightness levels do not exceed the maximum 0.50 foot candle measurement at the property line. The fixtures are to be fully shielded and directed downward onto the Site.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** The Site has a single driveway accessed from Old Emmitsburg Road; an existing paved collector road as shown on the County Comprehensive Plan.
2. **Connectivity §1-19-6.220(F):** There are no connections proposed as part of the Site plan. There are no other uses on this property to provide a vehicular connection with.
3. **Public Transit:** This Site is not served by public Transit.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**
The Ordinance requires the College/University use to provide 1 space per 4 students, which is established for all uses on the University's property. However, for a hospital, the use requires 1 space per 3 employees and 1 space per bed (exam room). The Applicant anticipates 20 employees ($20 / 3 = 6.7$) and 5 beds (exam rooms) which results in 12 parking spaces. The Applicant is providing 42 parking spaces. The Applicant has submitted a justification statement, which is attached as Exhibit #4.

Modification: A parking modification to allow 30 additional parking spaces resulting in 42 parking spaces.

Condition: Revise the parking notes on sheet 1 of the plan to illustrate a required parking total of 12 spaces and total parking provided to 42 spaces.

Loading Spaces:

A commercial use over 5,000 sq. ft. requires 1 large or 2 small loading spaces. The Applicant is providing 2 small loading spaces.

5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** Sidewalks exist along Old Emmitsburg Road that connect the student housing north of the Site with the larger pedestrian network throughout the campus. A sidewalk connection is proposed from the existing sidewalk and crosswalk on Old Emmitsburg Road to the proposed building. No additional pedestrian connections are being

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proposed.

6. **Bicycle Parking §1-19-6.220 (H):** The Ordinance requires bicycle parking according to the campus plan. Two bicycle racks are proposed on the west side of the building.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

Private Well and Septic: The Site is served by a private water and sewer system.

Natural features §1-19-3.300.4 (D): *Natural features of the Site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The area of the Site that will be affected by the proposed development mostly sits in a generally flat area. There is a small slope to the general area from Annandale Road. Also, there is a gradual slope toward the student housing located north of the Site.
2. **Vegetation:** There are existing wooden area between the student housing and the proposed project area. A tree along Annandale Road will be removed and replaced with relocated street trees.
3. **Sensitive Resources:** There are sensitive slopes and erodible soils on the parcel and located near the forest, closer to Rt. 15 and along Annandale Road. Those sensitive slopes and soils are not in the project area. There are no habitats of threatened or endangered species on this Site.
4. **Natural Hazards:** There is a Maryland DNR wetland located on the property but not in the affected area. There are wet soils on the Site and within the affected area, which affects residential structures with basements. This is a non-residential project.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** There are no required public common areas associated with this development.
2. **Ownership:** The Site is privately owned.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: The stormwater management will be handled with a proposed bioretention pond and permeable pavement in the parking area and permeable walkways along the sides of the building. The design will be in accordance with the Maryland Management Stormwater Act of 2007.

APFO – Chapter 1-20:

Road Improvements: This development generates less than 6 trips during the peak hour of the adjacent street and is therefore exempt from APFO testing and contribution to existing area road escrow accounts. (§1-20-12(H)).

Schools: This development is a non-residential use and exempt from APFO schools testing.

Water and Sewer Improvements: The Site is designated as M-U, Multi-Use, in the County's Water and Sewer Plan. No connection to a public water or sewer system is proposed.

Forest Resource – Chapter 1-21: The property has been mitigated by the transfer of forest banking credits under AP F260423. The project area of the proposed health care facility contains no forest and no specimen trees (trees 30" or greater in diameter). The existing forest area on the parcel is located north of the project area.

Historic Preservation – Chapter 1-23: The property is visible from the U.S. 15 Catocin Mountain National Scenic Byway and is also part of the Journey Through Hallowed Ground National Heritage Area. Historic Preservation staff has no objection to this project.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Public Works Department	Approved
Development Review Planning:	Approved
Health Department	Approved
Office of Life Safety	Approved
Development Review Transportation Engineering	Approved
Forest Conservation (FRO)	Approved
Adequate Public Facilities (APFO)	Approved
Street Name Review	Approved
Historic Preservation	Approved
State Highway	Approved

RECOMMENDATION

Staff has no objection to approval of the Mount Saint Mary's Urgent Care Facility Site Development Plan. If the Planning Commission approves the Site Development Plan, the Site plan is valid for a period of three (3) years from the date of Planning Commission approval (April 14, 2024).

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

Planning Commission approval of the following modification request from the Applicant:

1. A parking modification to allow 30 additional parking spaces resulting in 42 parking spaces.

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. Revise the parking notes on sheet 1 of the plan to illustrate a required parking total of 12 spaces and total parking provided to 42 spaces.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Plan SP-84-22, AP SP260422 (APFO A260428; FRO F260423), **with conditions and modifications** as listed in the staff report for the proposed Site plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



Exhibit #2 - Site Elevations





March 16, 2021

Ms. Ashley Moore, Principal Planner I
Frederick County Division of Planning and Permitting
Department of Development Review and Planning
30 N. Market Street
Frederick, MD 21701

RE: Site Plan Modification for MSM Urgent Care

Dear Ms. Moore,

This letter is in reference to the proposed Frederick County Health Urgent Care facility proposed at the Mount Saint Mary's University (MSM) at the intersection of Old Emmitsburg Road and Annadale Road. The functional use for this project was determined by Frederick County to be a "Health Care Facility" and parking requirements for this use are 1 space per 3 employees, and 1 space per exam room (cumulative). For this project, we anticipate 20 employees and 5 exam rooms. This yields a parking requirement of 12 spaces.

What the calculation above fails to take into account are the other features provided in this facility including a physical therapy room. The developer of the project believes that we need to provide closer to 40 – 45 spaces to function properly. This number falls more closely in line with the parking calculation for an "Urgent Care" facility. The calculation for that use is 5.9 spaces per 1000 SF, which yields 44 spaces in this case.

We have provided 42 parking spaces, 11 of which are proposed to be in permeable pavement. We hereby request an approval of a plan modification to allow for 30 more parking spaces that the calculation for a health care facility yields.

Very truly yours,
FREDERICK, SEIBERT AND ASSOCIATES, INC.

Justin T. Doty, PE
Vice President

fsa-inc.com

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128 S. Potomac Street
Hagerstown, MD 21740
301.791.3650

GREENCASTLE, PA
20 W. Baltimore Street
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CARLISLE, PA
505 S. Hanover Street
Carlisle, Pa 17013
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NEW BLOOMFIELD, PA
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New Bloomfield, Pa 17068
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FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Department of Development Review

Jan H. Gardner

County Executive

Steven C. Horn, Division Director

Michael L. Wilkins, Director

July 16, 2020

Akram Megan
50 Carroll Creek Way
Suite 340
Frederick, MD 21701

Re: Mount St. Mary's University,
16300 Old Emmitsburg Rd,
Emmitsburg, MD 21727
Tax Map 08, Parcel 0048
Tax ID# 05167175, 454.18 acres (Campus Size)
V260276

To Whom It May Concern,

This letter is in response to your zoning verification application submitted in the Frederick County permitting portal on June 29, 2020. You requested "written interpretation, opinion, determination and verification as Zoning Administrator, pursuant to your authority under Section 1-19-2.140 and other relevant provisions of the Frederick County Code, that a health care facility (as herein described) is a permitted accessory use to a university in the Euclidean Institutional Zoning District".

The above referenced property (Property) is currently zoned Institutional (Ie) under the Frederick County Zoning Ordinance (Ordinance). In your justification letter, you provide a description of the proposed use as the "relocation and expansion of the current health services delivered by the University's existing Wellness Center on the first floor of the McGowan Building, to a new 7,500 square feet on-campus building and health care facility to be leased to and operated by FRH (the "Health Care Center"). The Health Care Center will add urgent care, radiology, labs, tele-medicine, NCAA Division 1-required sports medicine and athlete rehabilitation, walk-in clinic, visits by appointment and wellness education for the University's entire student population at no charge to students. Currently these services are not readily available on campus or in the immediate community". Further you state "the Health Care Center will also enhance the learning environment for students by integrating with the educational curriculum of the University through internship and experiential learning. The Health Care Center will function as the "student health center" that is customarily incidental to any college, university or even secondary schools. While MSMU students and faculty will be the primary users, the Health Care Center will also be available to the surrounding underserved northern Frederick County community".

The following applicable sections from the Frederick County Zoning Ordinance are provided below.

§ 1-19-8.210. ACCESSORY USES ON INSTITUTIONAL USE PROPERTY.

Customary accessory uses permitted on institutional use properties include the following: activities, such as breakfast, lunches, dinners, bazaars, auctions, sales, game nights, carnivals, and similar activities. Institutional use properties are those listed in § 1-19-5.310 under the heading "Institutional," namely, civic community center, civic service clubs, day-care center, nursery school, group homes, hospital, nursing home, places of worship, private schools, camps and retreats, and fire and rescue service.

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§ 1-19-8.480. USES PERMITTED IN THE EUCLIDEAN INSTITUTIONAL (Ie) ZONING DISTRICT.

(C) College or university, or continuing care retirement community (CCRC) land uses within the Euclidean Institutional Zoning District as provided in § [1-19-5.310](#)(B)(1) are permitted to expand subject to the site plan review process (§ [1-19-3.300](#) through § [1-19-3.300.4](#)) and must meet the following requirements:

- (1) The expansion shall not include acreage beyond that originally designated as Euclidean Institutional; and
- (2) The proposed expansion shall not include non-conforming uses, structures, or lots; and
- (3) The proposed use meets the definition of:
 - (a) College or university; or
 - (b) Continuing care retirement community; or
 - (c) Agricultural activities as defined in § [1-19-11.100](#); and
- (4) All other requirements of this chapter are met.

Based on your description of the proposed use and that healthcare services are typically provided on a college campus as an accessory use, as well as hospitals being a permitted use in the (Ie) zoning district, the proposed use is allowed subject to site plan approval. There may be other State and local agency approvals necessary as well.

A review of the records in this office does not reflect any existing zoning violations at this Property at this time.

Sincerely,



Tolson DeSa
Zoning Administrator

cc: Michael Wilkin
Kathy Mitchel